

EL PASO HERALD

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The Texas Tree-Health Law

TEXAS has one of the best orchard and nursery inspection laws in the United States. It was approved April 19, 1909, and the state department of agriculture has distributed many copies of a pamphlet containing the law and the commissioner's regulations relating to its enforcement. The commissioner of agriculture gives notice that he expects to enforce the law rigidly, though justly and equitably.

The law prohibits the keeping of any fruit tree or other tree afflicted with yellows, galls, root rot, the San Jose scale or other insect pest, or any contagious disease or fungus. Every tree, shrub, or plant infected with any contagious disease or destructive insect pest is declared a public nuisance, and the commissioner of agriculture is empowered to destroy said trees at the cost of the owner if the owner neglects or refuses to destroy them after being notified.

The commissioner of agriculture is required to inspect at least once each year every nursery, greenhouse, or other place where trees, shrubs, or plants are grown or exposed for sale, and the commissioner is empowered to issue certificates of health after such examination if conditions warrant them. Every shipment of nursery stock, including trees, vines, shrubs, plants, buds, or cuttings, must be accompanied by a copy of the commissioner's certificate of health attached to each package. Failure to procure such certificate or to label each shipment is declared a misdemeanor punishable by fine of not less than \$100.

Shipments from without the state must be accompanied by a copy of certificate from the proper authorities of the state in which the shipment originates. If any transportation company or common carrier receives, transports, or delivers shipments of nursery stock originating either within or without the state and not bearing the proper labels with the commissioner's certificate of health, it becomes liable to fine of \$50 to \$200 for each offence. It is made the duty of common carriers to refuse uncertified shipments and report them immediately to the commissioner.

The commissioner of agriculture is directed to inspect not only nurseries, greenhouses, etc., but also orchards, vineyards, forest trees, city parks, and private premises as far as can possibly be accomplished. He is authorized to employ the necessary force of inspectors who shall be paid a salary derived from the collection of fees for inspection. It is made the duty of city administrations through their proper officers and the duty of owners of parks or city residence property to obey all the rules and regulations of the department governing the prevention of disease and pests among trees and plants.

Upon nomination by any city or county administration the commission will appoint a local inspector who shall work under the direction of the commissioner of agriculture in accordance with the state law; such a local inspector collects fees for his work and is paid a salary by the state.

The law is very complete and thorough and the main thing now is to secure the cooperation of farmers throughout the state as well as nursery men in enforcing the law's provisions. The farmers and orchardists in this valley should organize and request the city or county authorities to nominate an inspector who should represent the state department of agriculture in this vicinity and perform constant and thorough inspection service throughout the valley and the city, in order to detect any plant disease or insect pest in its incipency and inoperative measures to prevent their spread with the ensuing destruction of values and serious losses. Such inspection service should extend to shade trees in private gardens in the city. A duly qualified inspector would not engage in wholesale destruction but would try to save the plants, flowers, and trees as much as possible, and instruct the people how best to preserve them and keep them free from disease and destructive insects.

The Texas law is a model that might well be followed by Arizona and New Mexico. It is absolutely necessary for the proper protection of the horticultural industry.

There will be clean racing—real sport—at the El Paso fair. It is a significant fact that some of the leaders in the racing game take no stock in the gambling feature which has practically outlawed the game in nearly every state in the union. James R. Keene, for instance, one of the most prominent breeders of racing horses, was spoken of by a recent biographer as follows: "In spite of all his love for his horses, or rather probably because of it, James R. Keene never bet a dollar on one of them. He absolutely ignores the existence of betting, and never even seems to know where the betting ring is." Mr. Keene has often been heard to say, "Personally I find plenty of amusement in racing horses without betting on them." The racing at the El Paso Fair is for the purses and for the ribbons, and there will be no pool selling or public betting facilities to rob foolish men and women whose losses are a tragedy to themselves or those dependent upon them.

Railroads In State Politics

AN address on the political situation in New Hampshire delivered before a club in Concord, president Chas. S. Mellen of the Boston & Maine railroad practically admits the truth of the charges that have been made as to the interference of his railroad in politics and in legislation. Extracts from his speech show that it is one of the most remarkable public utterances ever made by any railroad official anywhere. Speaking of the future policy of the Boston & Maine railroad in New Hampshire, president Mellen says:

"We will not interfere in any way with the election of members of the legislature or of other public officers. We shall not give or offer to any public officer, directly or indirectly, any consideration which shall tend to influence him in the performance of his public duty. We shall do away with the lobby, in the sense in which that term is commonly used. We must, however, employ the ablest talent we can secure to present to the legislature our views upon pending legislation affecting our company."

The declaration of intention to lead a new life is even more important than the confession. Nobody can honestly quarrel with the plan proposed in the last sentence of president Mellen's declaration above quoted. Certainly the most important single industry in the country and the largest employer of workmen has a right to "present its views upon pending legislation affecting the company." Open hearings by legislative committees, free to the public and reported in the newspapers, should be accessible at any time to the representatives of any corporation or any other interest in the state affected by any pending legislation.

Such work cannot be considered "lobbying" in any improper sense. No legislator worthy of the job would ever object to hearing all sides of every question presented by those best posted upon its various phases. The reason that the initiative and referendum as applied to intricate and elaborate general legislation can never be an improvement over the present system, is that the masses of the people who would be called to pass upon the wisdom or unwisdom of various laws do not, and cannot, have the opportunity of hearing all sides of the questions fully and fairly presented by well posted experts and interested persons. Members of the legislature have, or ought to have, this privilege and opportunity, and they ought to be able to post themselves on every phase of pending questions and act upon their sound judgment only after thorough investigation.

President Mellen's confession and declaration of policy are striking evidences of the change that is coming about in the relations between the public and the big corporations that supply the public needs. In fact, an open attitude will benefit the railroads. An attitude of antagonism or secrecy simply invites retaliation, further opposition, and injustice. If the big railroad companies in the southwest, including California, Arizona, and New Mexico, would follow president Mellen's example, it would mean cleaner politics, better government, more prosperous communities, fairer treatment for the railroads, and harmonious cooperation where now there is antagonism or unlawful tampering. President Mellen's announced policy is best; it will pay best in the long run.

UNCLE WALTS Denatured Poem

SOME time ago a dauntless soul went soaring o'er the snowed Alps, and folks who saw his pinions roll had tingling feelings in their scalps. He landed on the other side upon a cruel heap of stones; and shortly after that he died, a poor bruised mass of broken bones. Heroic soul! Had I the fire of Austin, I his praise would sing! But when I need it, my old life is sure to have a bustling string. To the truth that brave man's deed does not enthrone me worth a darn; I'd rather write a humble screed about the man who paints a barn. A man may fly to beat the Dutch, across the Alps, across the sea, and not accomplish half as much as some plain guy who plants a tree. Some aviator risks his neck, defying gravitation's rules; but let me praise the human wreck who hitches up a span of mules. For gaudy men and gaudy deeds the lards will always twang their lyres, but who'll supply the soulful needs of those who light the kitchen fires?

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CONVICT AND CHILD

By Ivan P. Gore.

The Herald's Daily Short Story

MAJOR MILLBANK, governor of the great fortress prison on the hill, flung down his book and, springing to his feet, listened intently. Beyond the walls of his cozy cottage the wind roared and hurried across the sparsely covered plain, but above the storm, faintly at first, could be distinctly heard the dull clang of the alarm bell, which told rich and poor alike that once again a fellow creature had taken his life in his hands and, trusting to a forlorn hope, had made a bolt for liberty.

The governor swore long and deeply beneath his heavy mustache as he listened. At any time he would have been deeply interested at the escape of his charges, but, today, especially, the knowledge that his picked and carefully trained assistants had been caught napping filled him with fierce anger. For, just across the hall of the tiny bungalow which he occupied beyond the prison walls ever since his marriage, his only child lay fighting for life, while the young mother watched the struggle with tearful eyes.

As he crossed the passage, the door of the sick room opened and his wife came out. One glance at her told him that she, too, had heard the warning bell, and his anger increased as he noted the fear in her wide open eyes.

"Douglas," she whispered, "the bell! One of them has escaped." "There, there, my dear," he patted her hand reassuringly—"you have nothing to fear. Soon—an hour or two at the most—we shall have the ruffian safely in the punishment cells." "You are going to leave me, Douglas!" she exclaimed as turning from her, he began to struggle into his greatcoat.

"My dearest girl, I must." "But little Jack, he is no better, and—"

"The grey eyes filled with tears and the major noticed with a heartache that the white hand which lay upon his arm had become very thin in the past few days." "Come, come, sweetheart, you are worn out with nursing and imagine that the boy is worse than he is. Stoddard is certain to look in again during the evening, and he'll stay with you till I return."

He spoke cheerfully, but, in his heart, he knew that, in spite of the urgent message which he had sent unknown to his wife, the hard-worked country doctor might easily be prevented from calling until the morning, and for a moment he hesitated between the duty which was calling him out into the storm and the love which urged him to stay at home.

Left alone, Mrs. Millbank sat down by the bedside of the little sufferer and comforted herself to wait as patiently as she could for the doctor's coming.

Hour after hour passed. Night came on—pitch black, save for the vivid flashes of intermittent lightning, but still the doctor did not come. "Oh, God," she muttered, as with hands nearly as feverish as the child's, she smoothed the ruffled pillow, "send the doctor soon, before it is too late!"

Another hour dragged heavily by, then suddenly she sat bolt upright, every nerve tingling as she strained her ears to listen. Yes, again it came—a distinct though gentle knock upon the outer door. The long prayer for doctor had arrived at last, and with a thud of joy, she stumbled down the dark passage. With fumbling hands she turned the key and drew back the bolts.

"Thank God you've come," she whispered, as a dark figure entered; "I feared—"

The words of welcome died upon her lips, giving place to a stifled cry of terror, as a rough hand was placed over her mouth and a strong arm pushed her roughly back into the passage.

"Now, after a cry, and it will be your last!" a hoarse voice hissed into her ear. Then the newcomer turned and rebared the door. "You are alone in the house, eh? Yes, I know you are. From my hiding place I saw your husband—"

"All—course him—in the hunt after a fellow creature. They—"

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passed me by a dozen times, but none of them had the sense to look in the shadows or probe into the bushes against the walls. They thought I was as big a fool as the rest, and would make straight for the open country. As he spoke he pushed her backward into the study where the lamp still burned dimly. Turning it up, he glanced at her with a look almost of admiration in his haggard eyes; then, shrugging his shoulders, he looked round the snugly furnished room.

"What do you want?" "A suit of your husband's clothes and money to get me out of this."

"Quick now," the convict continued; "I don't wish to trouble you with an unwanted guest longer than is absolutely necessary. No, leave the door open; I can hear what you are doing, then."

In a few minutes she returned with the clothing required, and while I change, I'll leave these things here as a keepsake for your husband. Afterwards, well, I darsay you will be able to find some cold meat or something."

"I assure you I'm not at all fastidious." She turned to obey his orders, but he sprang in front of her as a low whispering cry sounded from the other room.

"What's that?" he hissed. "My child—she forgot her fear, and tried to push past the man—he is ill. Oh, for pity's sake, let me go to him. I must, I will."

But he thrust her back and walked toward the sick room, while with clasped hands she followed.

With trembling lips, from which no sound came, she watched the convict as he bent over the cot. With a peculiar readiness, he moved the light cloth and bent toward the flushed face, then, he turned to her sharply.

"Bring me some hot water—a lot—immediately," he said, and as he spoke his whole manner seemed to change; even the hunted look left his eyes.

"Hurry, woman, the child's life depends upon your speed. You need not fear, I know what I'm doing. I was a doctor—a distinguished one, some said—before I went in there!"

Dully bewildered, she hastened to obey his bidding; then, as she waved her hand impatiently aside, crouched on the floor watching, as with deft fingers he worked about the child.

Many times she staggered to her feet to obey his imperious orders, then, returning, continued her dumb watch. Once he paused in his work, flung aside the hideous, drab, arrow-covered jacket which he wore, then returned to his errand of mercy.

The storm slowly died away, and as the first tinge of dawn showed through the window he raised his head with a smile.

"We've won," he whispered, "won this time." The child needs watching now, careful watching—only that."

He glanced toward the mother, who, worn out with watching and anxiety, still crouched upon the floor, then, shrugging his shoulders, but with a smile still playing around his mouth, sat down by the head of the cot.

A few hours later, when major Millbank, tired and sick at heart, entered the sick room, accompanied by the village doctor, who had been delayed by the violence of the storm, and some members of the search party, he found the mother at the door, he gasped with astonishment, while the wardens brought their rifles sharply against their shoulders.

His wife sat crouched against the foot of the bed, sleeping the deep sleep of utter exhaustion, and at the head with the sick child's hand in his, sat the man for whom they had vainly sought throughout the night.

"Hush!" whispered the convict, warningly, as the major was about to speak. "He's doing well, and will soon be playing in the sunshine!"

Then, with a last look at the sleeping child, he rose to his feet and turned toward the astonished wardens.

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Congressional Campaigns

By Frederic J. Haskin

I—CONTROLLING THE HOUSE.

ON Tuesday, November 8, the people of the United States will go to the polls to choose for the sixty-second time their representatives to congress. In the beginning there was no fixed day of election, and members of congress were chosen at various times and in elections continuing for several days, after the fashion then and then in England. Considerations of convenience prompted the fixing of uniform election days in the several states, and finally the first Tuesday after the first Monday in November became the generally accepted federal election day. Only Maine and Vermont of all the states in the Union now elect congressmen in September. These two New England states already have spoken, Vermont remaining true to its allegiance to the Republican party, although by majority slightly reduced; while Maine burst the bonds of 50 years' political habit and, forgetting its Republicanism, elected two Democratic representatives by large majorities, and two Republican representatives by small majorities.

An "Off" Year. All of which brings into public attention the fact that the year 1910 has brought around another biennial congressional campaign. It also is an "off" year. The expression means, in the first instance, that the election comes in the middle of the presidential term and the election and its preceding campaign must be differentiated from those congressional elections which take place at the same time the people choose a president. In the second place, the term "off" year is applied to these elections by politicians of every shade of political allegiance because of the almost universally accepted belief that the congressional election is a less important one than presidential elections in importance.

In the United States, and in the Latin-American republics, all of which have more or less closely imitated the United States constitution, the selection of legislative officers is subordinate in interest and importance to the business of choosing executive and administrative officers. In the constitutional countries of Europe, both monarchial and republican, the selection of legislative officers is of supreme importance—in fact, only the legislative officers are chosen by the people in most European states. In monarchial Britain or republican France, the people elect members of the legislature, who in turn appoint all executive officers of the government. Sometimes these important political campaigns have resulted in overturning a majority party in the house of representatives, thereby paving the way for a subsequent presidential victory and the transfer of all governmental activity from one political party to another.

Thus the Democratic congressional victory of 1890 presaged the election of Cleveland in 1892, just as the Republican congressional triumph of 1894 foreshadowed the election of McKinley in 1896. Sometimes these important congressional campaigns have resulted not in overthrowing the dominant party in the house, but in upsetting the prevailing policy of both majority and minority, sometimes changing the party name, but more often retaining the form while reversing the practice. Thus in 1810 the Democratic majority was increased, yet the vast majority of the old members were defeated and a new school of Democrats took their place. Henry Clay and John C. Calhoun were leaders in this early insurgent movement.

Begin in Factional Quarrels. It is interesting to note that these exceptional congressional campaigns always have had their origin in factional quarrels among the members of one of the principal parties, and never as the result of the attacks of one party upon the other. Direct party warfare has succeeded in arousing the general interest of the people only when in a presidential election each party has been able to visualize itself in the person of its chosen leader.

Party splits usually, if not always, have produced interesting congressional campaigns. Such factional quarrels always cause great excitement and

the administration, and if they have elected an opposition majority in congress, as they did in 1890 and 1894, the president whom they thus repudiated and rebuked has paid absolutely no attention to their verdict, because the American government is not a government of a responsible parliamentary ministry. Although in these years, and in others like them, opposition congresses have been elected, the fact that the administrative branch of the government was not bound to respect the verdict of the people, and in fact did not do so, contributed to the popular notion that congressional elections are not important anyhow. Therefore the contempt in which politicians hold the elections of an "off" year. If next month the Democrats should elect a majority of the house of representatives and thus for the first time in 18 years achieve a national victory, the country would not regard the event as a definite political decision. In England, or in France, a similar victory would mean a practical reversal of the political policies of the nation. Here a Democratic victory will be valued by the Democrats only in so far as it affords a basis for hope of victory in the presidential campaign of 1912; while the Republicans will pool-pool the whole matter as the inconsequential accident of an "off" year in politics.

From the very beginning of American political history this tendency to subordinate the importance of congressional elections has been fostered by a system of political parties whose organization has depended rather upon patrons than principles. Personal leadership has counted for much in all political activities in every country and age, but only in the United States has loyalty to a personal leader been made the determining factor in party government. We have developed the precinct captain, the county chairman, the ward leader, the city boss, the pie-dispensing senator, and the political president at the expense of the town meeting, the county board of supervisors, the city council, the state legislature and the national congress.

Some Exceptions to the Rule.

In spite of these general truths, there are some striking exceptions to the rule. At times the congressional campaigns, even in "off" years, have assumed a tolerable degree of importance and have been the means of recording popular political verdicts which have made permanent impression upon the course of national history. Sometimes these important political campaigns have resulted in overturning a majority party in the house of representatives, thereby paving the way for a subsequent presidential victory and the transfer of all governmental activity from one political party to another.

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Abe Martin



Tipton Bud's doctor has advised him to take a long rest as his wife has got neurasthenia. Miss Tawney Apple's niece was prematurely drowned yesterday while walkin' in a canoe.

more or less bitterness, and they always give the opposition party great hope. Sometimes hopes thus engendered have been grievously disappointed.

In the present campaign the factional quarrel between regular and insurgent Republicans has caused the people of the country at large to take more interest in the election than they have done in any "off" year since 1894, when there was a serious split in the then dominant Democratic party. It is not the province of these articles to make any political predictions or to draw any historical analogies. Their only object is to recall the events of past congressional campaigns, of other "off" year elections and of the political battles which engrossed the interest and attention of our forefathers. Tomorrow—The Formation of Parties.

14 Years Ago To-day

From The Herald of This Date 1896.

Senator Gage of Pecos is in town.

Albert Schutz is in Las Vegas on business.

Judge W. Van Sickle of Alpine is in the city on business.

J. J. Mundy returned from Dallas this morning.

O. W. McPhetridge has returned from his Tampica trip.

Mrs. J. F. Kachler is visiting in Silver City for a few weeks.

J. A. Friedlenbloom has gone on a hunting trip to the Black mountains.

City ticket and passenger agent Reeves, of the Santa Fe, and family, have returned from their northern trip.

The Chas. N. Crittenden Meeting will be held in Trinity church commencing Sunday night and lasting until November 3.

Rev. H. W. Moore, the new Presbyterian pastor, is taking hold with a vim and will undoubtedly preach to large congregations.

W. W. Rose has resigned as musical director at St. Clement's church and his place will be filled by Prof. Joseph Smith, who will give an organ concert Friday night.

The river is steadily going down.

The White Oaks stage has been held up again.

Mrs. E. P. Brown gave a lunch yesterday in honor of Miss Magoffin and Miss Tod, at her home on North Stanton street.

Messrs. Hawkins and Fall came down from New Mexico last night on business connected with the irrigation enterprise in Dona Ana county.

The Austin papers record the filing with the state controller of the tax roll of El Paso county. The roll shows the valuation of \$8,312,242, a falling off of \$29,569.

INDIANS KILLING GAME UNLAWFULLY

Santa Fe, N. M., Oct. 25.—Game warden Thomas P. Clark has sent out a posse of four, headed by mounted policeman J. B. Rusk to round up three bands of Indians, who are butchering game in the Dattil and Mogollon mountains.

One is a band of Pueblos from Laguna, another of Navajos and another of Apaches. A band of 10 Indians after a 12 days' hunt brought out 118 skins but none of the Indians has been identified.

TWO MEN ABSOLVED FROM GUILT IN MURDER CASE

Ricardo Portillo and Jesus Pera, charged in Justice Watson's court with murder as a result of the death of Placido Saltero, were released Tuesday morning.

Saltero's dead body was found on the G. H. railway track near the El Paso brewery, October 18. His head was 20 feet distant. Portillo and Pera had been with Saltero a few hours previous and they were arrested. Miguel Centeno, charged in Justice Watson's court with burglary, was released Tuesday.

ANNUAL BANQUET OF CREDIT MEN WEDNESDAY NIGHT

The Credit Men's association will have its annual banquet at the Harvey house Wednesday evening. Arrangements have been made for 125 members. The principal speaker will be Newman Essick of Los Angeles, a director of the National Credit Men's association.

Secretary Frank Smith, of the El Paso association, will be unable to return for the banquet, owing to the death of his father at Teneha, Texas. Mr. Smith has been at his father's bedside for the past week.

BAIL REFUSED IN CASE OF ALLEGED MURDERERS

Santa Fe, N. M., Oct. 25.—District attorney E. C. Abbott has refused to admit Maximilian Sanchez, Meliton Sanchez, Felix Muniz and Manuel Duran in Taos jail on the charge of being responsible for the death of Manuel Paez who was found at Chamizal dead in mud puddle. He had two deep cuts in his head and his death resulted either from these or from the cold. The four men under arrest and the dead man had been drinking heavily in a saloon at Santa Barbara.

Bell Campaigns For Governor Of California In Automobile

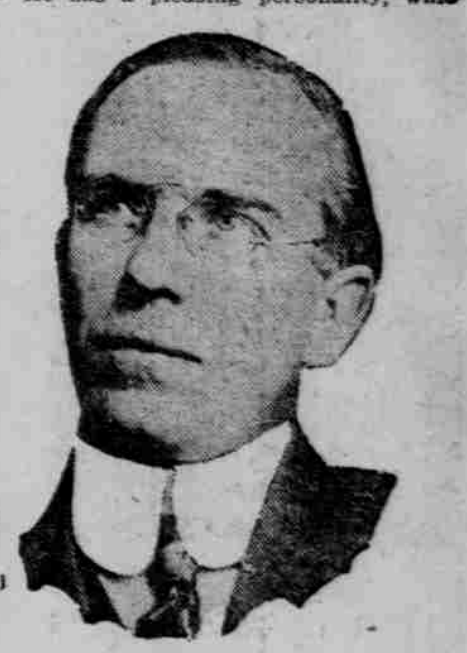
San Francisco, Cal., Oct. 25.—It has been a whirlwind campaign in California by Hiram W. Johnson, Republican candidate for governor, and Theodore A. Bell, who hopes to lead the Democrats to victory. Johnson, who is one of the leading statesmen of the state, and who was the insurgent candidate at the August primaries, in which he won by a surprisingly large

travelling confident of the result and says he would not be surprised to win by a plurality of at least 50,000. Meyer Lissner, chairman of the Republican state central committee, says the indications are for a sweeping Republican success and that Johnson's plurality will run from 75,000 to 100,000.

Bell has been making his campaign throughout the state in an automobile. He has a pleasing personality, while



Hiram W. Johnson.



Theo. A. Bell.

vote, rendered valuable assistance to Francis J. Heney the conduct of the "graft prosecutions" in San Francisco. Bell, who was the standard-bearer of the Democrats in the gubernatorial contest four years ago, is also one of the state's leading legal lights.

Johnson has been making a remarkable campaign from one end of the state to the other, and before the day of election he expects to have visited every important town in California. The Republican standard bearer has been received enthusiastically wherever he has